

**RESOLUTION AFFIRMING THE CITY OF TROY AS A SANCTUARY CITY**

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**WHEREAS**, the City of Troy, New York is proud to be a city that values its ethnic, racial, linguistic, religious, and socioeconomic diversity as a source of our City's strength, and

**WHEREAS**, the City of Troy values the social, cultural and economic contributions that have been made by immigrants for the benefit of the City, and

**WHEREAS**, the City of Troy is committed to upholding and protecting the civil and human rights of all individuals within the City and has long prohibited discrimination based upon race, ethnicity, national origin, religion, gender identity, sexual orientation, or other protected characteristics in the provision of its services and the enforcement of laws; and

**WHEREAS**, the enforcement of federal immigration laws is the prerogative of federal enforcement agencies, not local law enforcement agencies; and

**WHEREAS**, it is particularly essential to the mission of the City's emergency services departments that victims report crimes or injuries, cooperate fully in investigations, and summon help when needed; and

**WHEREAS**, the Troy Police Department currently has a practice that it does not inquire into a person's immigration status upon Initial contact, and

**WHEREAS**, the City of Troy has no formal existing agreements to enforce federal immigration policy; and

**WHEREAS**, the Troy City Council is committed to resisting threats against privacy and liberty by taking meaningful steps to ensure that our communities are safe, and that all residents can live and pursue their livelihoods in peace and prosperity; and

**WHEREAS**, a number of municipalities around the country and in New York State are resisting threats against individual rights to privacy and liberty by taking meaningful steps to ensure that communities are safe, and that all rights are respected so that their municipality may continue to thrive; and

**WHEREAS**, voluntary collaboration related to non-criminal deportation and detention between local law enforcement and the federal Immigration and Customs Enforcement (ICE) makes immigrants less likely to report crimes, act as witnesses in criminal investigations and prosecutions, and provide critical intelligence to law enforcement, and that the cooperation of the City's immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security in the entire City; and

**WHEREAS**, federal law does not require local law enforcement or other local service providers to inquire into an individual's immigration status or to respond to federal immigration and Customs Enforcement (ICE) detainer requests; and

**WHEREAS**, the Rensselaer County Sheriff's 287(g) agreement with ICE may undermine public trust and cooperation with law enforcement, and poses a threat to public safety and necessitates corrective action by the City of Troy:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY,** that the City of Troy hereby reaffirms its commitment to continue its longstanding and legal practice of not inquiring into the immigration status of individuals being provided local government services, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws; and

**BE IT FURTHER RESOLVED** that no officer or employee of the City of Troy shall inquire into the immigration status of individuals being provided local government services, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully and expressly required by federal, state, or local laws; and

**BE IT FURTHER RESOLVED,** that the City of Troy Police Department shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law, whether pursuant to Section 1357(g) of Title 8 of the United States Code; and

**BE IT FURTHER RESOLVED,** that the City of Troy Police Department shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual; and

**BE IT FURTHER RESOLVED,** that the City of Troy Police Department shall not stop, question, interrogate, investigate, arrest or detain an individual based solely on actual or suspected immigration or citizenship status, or a "civil immigration warrant," administrative warrant, or an immigration detainer in the individual's name; and

**BE IT FURTHER RESOLVED,** that the City of Troy Police Department shall not engage, assist or support immigration enforcement except as follows:

- i. In response to an articulated, direct threat to life or public safety; or
- ii. When such services are required to safely execute a criminal warrant or court order issued by a state or federal court; or
- iii. Where it has been demonstrated that a state or federal statute or regulation require local law enforcement cooperation.

Approved as to form, November 27, 2018

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**JAMES A. CARUSO, ESQ.** Corporation Counsel